

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

UNITED STATES OF AMERICA )  
v. ) Case No. 1:09-cr-123-001  
GREGORY A. MERCER ) Chief Judge Curtis L. Collier  
                            )

**O R D E R**

Magistrate Judge Susan K. Lee filed a report and recommendation recommending the Court:

(1) grant Defendant's motion to withdraw his not guilty plea to Count One of the eighty-one count Superseding Indictment; (2) accept Defendant's plea of guilty to Count One of the Superseding Indictment; (3) adjudicate Defendant guilty of the charges set forth in Count One of the Superseding Indictment; (4) defer a decision on whether to accept the plea agreement until sentencing; and (5) find Defendant shall remain in custody until sentencing in this matter (Court File No. 559). Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation (Court File No. 559) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

- (1) Defendant's motion to withdraw his not guilty plea to Count One of the Superseding Indictment is **GRANTED**;
- (2) Defendant's plea of guilty to Count One of the Superseding Indictment is **ACCEPTED**;
- (3) Defendant is hereby **ADJUDGED** guilty of the charges set forth in Count One of the Superseding Indictment;

- (4) A decision on whether to accept the plea agreement is **DEFERRED** until sentencing;  
and
- (5) Defendant **SHALL REMAIN** in custody until sentencing in this matter which is scheduled to take place on **Thursday, March 31, 2011 at 9:00 a.m.** before the Honorable Curtis L. Collier.

**SO ORDERED.**

**ENTER:**

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**CURTIS L. COLLIER**  
**CHIEF UNITED STATES DISTRICT JUDGE**